

**FILED**

**OCT 01 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARMANDO AVILA-RIVERA,

Defendant - Appellant.

No. 06-50504

D.C. No. CR-04-01965-WQH

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
William Q. Hayes, District Judge, Presiding

Submitted September 24, 2007<sup>\*\*</sup>

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Armando Avila-Rivera appeals from the 90-month sentence imposed, following remand, for his conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Avila-Rivera's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Avila-Rivera filed a letter which we construe as a pro se supplemental brief, and the Government did not file an answering brief.

Our independent review of the briefs and the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.